

REMARKS

Claims 1-13 are current pending, wherein claim 1 has been amended to even more clearly disclose the present invention. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

At the outset, Applicants would like to thank Examiner Corbo for the courtesy given to Applicants' Representative during the telephone interview conducted on June 4, 2009. During the Interview, Applicants' Representative explained the claimed invention and presented arguments against the rejection of claim 1. More specifically, that the TV guide in Ellis is not a program content and Ellis does not extract a program information from a program content as claimed, and that Menard does not disclose providing extracted program information on a program content which meets a search condition in a search request by a user as claimed. In addition, potential claim amendments to overcome the references were discussed, and the Examiner suggested amending claim 1 to further clarify that the program information is newly generated information and not merely pre-existed TV guide information being extracted from a transmission as in Ellis.

In paragraph 2 of the Office action ("Action"), the Examiner rejects claims 1, 2, 5-7, and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0117831 to Ellis et al. ("Ellis") in view of U.S. Patent No. 6,810,526 to Menard et al. ("Menard"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1, 2, 5-7, and 10-13 are patentable over the combination of Ellis and Menard for at least the reason that the combination fails to disclose or suggestion a program content analyzing/retrieving system that provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored

program information including attribute information associated with a video component and an audio component of the program content as claimed.

In rejecting claim 1, the Examiner admits that Ellis does not disclose storing and providing extracted program information independently from the broadcasted program content as claimed. Therefore, the Examiner relies on the teaching of Menard to overcome for the deficiencies of Ellis. Menard describes a centralized broadcast channel real-time search system, which extracts a closed caption stream from a broadcasting program material to create a text stream. The text stream is compared to a profile search including keywords input by a user. If a match is found, the broadcasting program material associated with the text stream is sent to the user. See lines 47-59, col. 2 and Figures 1 and 3. However, Menard does not disclose or suggest providing, independently from the broadcasted program content, the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored program information including attribute information associated with a video component and an audio component of the program content as claimed.

Since Ellis and Menard, both fail to disclose or suggest a program content analyzing/retrieving system that provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored program information including attribute information associated with a video component and an audio component of the program content as claimed, the combination of these two references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art had some rationale to combine Ellis and Menard (which Applicants do not concede) the combination would still fail to render claims 1, 2, 5-7, and 10-13 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 1, 2, 5-7, and 10-13 is respectfully requested.

In paragraph 3 of the Action, the Examiner rejects claims 3, 4, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Menard, further in view of U.S. Patent No. 5,594,492 to O'Callaghan et al. ("O'Callaghan"). Applicants respectfully traverse this rejection.

Claims 3, 4, 8, and 9 variously depend from independent claim 1. Therefore, claims 3, 4, 8, and 9 are patentable over the combination of Ellis and Menard for at least those reasons presented above with respect to claim 1. O'Callaghan discloses a method and apparatus for rapid channel selection. However, O'Callaghan fails to overcome the deficiencies of Ellis and Menard.

Since Ellis, Menard, and O'Callaghan each fail to disclose or suggest a program content analyzing/retrieving system that provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored program information including attribute information associated with a video component and an audio component of the program content as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art had some rationale to combine Ellis, Menard, and O'Callaghan (which Applicants do not concede) the combination would still fail to render claims 3, 4, 8, and 9 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 3, 4, 8, and 9 is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis P. Chen Reg. No. 61,767 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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